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FIFTY-EIGHTH LEGISLATURE

**THIRTY-FIRST LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 8, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Brandt, absent and formally excused by the Chair; and Senators Cameron, Hill, Keough, Lodge, Marley, McGee, Pearce, Richardson, Schroeder, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Brady Anderson, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 7, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Marley, McGee, Richardson, Schroeder, and Werk were recorded present at this order of business.

February 8, 2006

The JUDICIARY AND RULES Committee reports that **S 1356** and **S 1357** have been correctly printed.

DARRINGTON, Chairman

S 1356 and **S 1357** were referred to the Judiciary and Rules Committee.

February 7, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1305**, **S 1306**, and **S 1307** were delivered to the Office of the Governor at 2:30 p.m., February 7, 2006.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 7, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Vaughn Heinrich to the Idaho Endowment Fund Investment Board, term to expire April 11, 2008;

John Michael Brassey to the Idaho Personnel Commission, term to expire July 1, 2011.

ANDREASON, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 7, 2006

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Daniel Fuchs to the State Board of Health and Welfare, term to expire January 1, 2009;

Larry R. Vincent to the State Board of Health and Welfare, term to expire January 7, 2009.

COMPTON, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 8, 2006

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Richard Rush of Boise, Idaho, was appointed as a member of the Idaho Soil Conservation Commission to serve a term commencing February 3, 2006, and expiring July 1, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Agricultural Affairs Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 7, 2006

Mr. President:

I return herewith Enrolled **SJM 114** which has been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **SJM 114** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

Senators Hill and Lodge were recorded present at this order of business.

S 1358

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO DOMESTIC CERVIDAE; AMENDING SECTION 25-3701, IDAHO CODE, TO REVISE THE DEFINITION OF DOMESTIC CERVIDAE; AND AMENDING SECTION 36-711, IDAHO CODE, TO CLARIFY THE POWERS AND DUTIES OF THE FISH AND GAME COMMISSION AND THE DEPARTMENT OF FISH AND GAME RELATING TO NONDOMESTIC CERVIDAE AND TO REVISE THE DEFINITION OF DOMESTIC CERVIDAE.

S 1359

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO DOMESTIC CERVIDAE; AMENDING SECTION 25-1910, IDAHO CODE, TO PROVIDE FOR CIVIL DAMAGES RELATING TO DOMESTIC CERVIDAE AND TO PROVIDE THAT ANY PERSON COMMITTING CERTAIN ACTS RELATING TO DOMESTIC CERVIDAE SHALL BE GUILTY OF A FELONY; AMENDING SECTION 25-3702, IDAHO CODE, TO PROVIDE FOR THE MUTUAL ADDRESS OF REASONABLE CONCERNS BETWEEN THE DEPARTMENT OF AGRICULTURE AND THE

DEPARTMENT OF FISH AND GAME RELATING TO THE DOMESTIC FARMING OF CERVIDAE; AMENDING SECTION 25-3703A, IDAHO CODE, TO REVISE IDENTIFICATION PROVISIONS; AMENDING SECTION 25-3705, IDAHO CODE, TO PROVIDE FOR THE AUTHORITY OF THE DIVISION OF ANIMAL INDUSTRIES OF THE DEPARTMENT OF AGRICULTURE RELATING TO THE INSPECTION OF CERVIDAE FARMS; AND AMENDING SECTION 25-3705A, IDAHO CODE, TO PROVIDE THAT SPECIFIED PROVISIONS OF LAW ALSO APPLY TO ESCAPED DOMESTIC CERVIDAE.

S 1360

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO IDAHO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2004, IDAHO CODE, TO DEFINE TERMS AND REMOVE A DEFINITION FOR "RECIPROCAL LICENSE"; AMENDING SECTION 54-2014, IDAHO CODE, TO REVISE LICENSE EXAM REQUIREMENTS; AMENDING SECTION 54-2015, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-2018, IDAHO CODE, TO REVISE LANGUAGE APPLICABLE TO LICENSE EXPIRATION AND REQUESTS FOR LICENSURE OR LICENSE CHANGES; AMENDING SECTION 54-2023, IDAHO CODE, TO REVISE CONTINUING EDUCATION REQUIREMENTS; AMENDING SECTION 54-2027, IDAHO CODE, TO REQUIRE LICENSE NUMBERS FOR LICENSED STUDENTS COMPLETING COURSES OF INSTRUCTION; AMENDING SECTION 54-2033, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO INSTRUCTOR QUALIFICATIONS; AMENDING SECTION 54-2034, IDAHO CODE, TO CHANGE TERMINOLOGY; AND AMENDING SECTION 54-2036, IDAHO CODE, TO REFERENCE REQUIRED FEES, TO REVISE EXAM RETAKE POLICY PROVISIONS AND TO REFERENCE WAIVERS OR MODIFICATIONS OF PRELICENSE REQUIREMENTS.

S 1361

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO GENETIC TESTING PRIVACY; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 83, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO SET FORTH RESTRICTIONS REGARDING GENETIC TESTING INFORMATION APPLICABLE TO EMPLOYERS AND INSURERS, TO PROVIDE FOR A PRIVATE RIGHT OF ACTION AND TO PROVIDE FOR ENFORCEMENT.

S 1362

BY COMMERCE AND HUMAN RESOURCES .COMMITTEE

AN ACT

RELATING TO PERSONS IN THE MILITARY; AMENDING SECTION 46-225, IDAHO CODE, TO CLARIFY THAT PERSONS DEPLOYED IN THE MILITARY WHO SHALL ALSO BE OFFICERS OR EMPLOYEES OF THE STATE SHALL BE ENTITLED TO THEIR EXISTING MEDICAL BENEFITS FROM THE STATE FOR THE FIRST THIRTY

DAYS OF A DEPLOYMENT AND THIS SHALL NOT DECREASE ANY EXISTING LEAVE BALANCES; AND DECLARING AN EMERGENCY.

S 1363

**BY COMMERCE AND HUMAN RESOURCES
COMMITTEE**

AN ACT

RELATING TO THE STATE PERSONNEL SYSTEM AND NONCLASSIFIED STATE OFFICERS AND EMPLOYEES; AMENDING SECTION 33-2101A, IDAHO CODE, TO DELETE A CODE REFERENCE; AMENDING SECTION 33-2109A, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 59-1603, IDAHO CODE, TO DELETE A CODE REFERENCE, TO PROVIDE CORRECT TERMINOLOGY, TO INCREASE THE MAXIMUM AWARD THAT MAY BE GRANTED TO CERTAIN NONCLASSIFIED OFFICERS AND EMPLOYEES FOR MERITORIOUS SERVICE AND FOR SUGGESTIONS RESULTING IN TAXPAYER SAVINGS, TO PROVIDE EXCEPTIONS TO THE MAXIMUM AWARD UNDER EXTRAORDINARY CIRCUMSTANCES, TO REQUIRE REPORTING OF ALL AWARDS GRANTED IN THE PRECEDING FISCAL YEAR AND REPORTING OF CHANGES MADE PURSUANT TO AN EMPLOYEE'S SUGGESTION AND RESULTING SAVINGS, TO PROVIDE FOR RECRUITMENT AND RETENTION AWARDS TO CERTAIN NONCLASSIFIED OFFICERS AND EMPLOYEES AND TO REQUIRE REPORTING OF SUCH AWARDS GRANTED IN THE PRECEDING FISCAL YEAR, TO PROVIDE FOR OTHER PAY TO CERTAIN NONCLASSIFIED OFFICERS AND EMPLOYEES AND TO REQUIRE REPORTING OF SUCH AWARDS GRANTED IN THE PRECEDING FISCAL YEAR, TO PROVIDE CRITERIA FOR REIMBURSEMENT OF MOVING EXPENSES, TO REQUIRE REPORTING OF ALL MOVING REIMBURSEMENTS GRANTED IN THE PRECEDING FISCAL YEAR AND TO PROVIDE THAT THE STATE CONTROLLER'S OFFICE IS RESPONSIBLE FOR THE ESTABLISHMENT AND MAINTENANCE OF SPECIFIC PAY CODES; AMENDING SECTION 59-1606, IDAHO CODE, TO DELETE AN INCORRECT CODE REFERENCE; AMENDING SECTION 59-1607, IDAHO CODE, TO PROVIDE PROPER TERMINOLOGY AND TO CLARIFY COMPENSATORY TIME FOR CLASSIFIED AND NONCLASSIFIED EMPLOYEES WHO ARE DESIGNATED AS EXECUTIVE; AMENDING SECTION 67-3511, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE LIMITATION ON USE OF APPROPRIATIONS MADE FOR EXPENSES OTHER THAN PERSONNEL COSTS, TO PROVIDE FOR LIMITATIONS ON THE AMOUNT OF LEGISLATIVE APPROPRIATIONS FOR PERSONNEL COSTS WHICH CAN BE TRANSFERRED TO OTHER OBJECT CODES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5302, IDAHO CODE, TO PROVIDE CORRECT REFERENCES, TO REFORMAT THE SECTION AND TO EXPAND THE DEFINITION OF "HOLIDAY" TO DISTINGUISH NONEXECUTIVE EMPLOYEES FROM EMPLOYEES CLASSIFIED AS EXECUTIVE EXEMPT; AMENDING SECTION 67-5309, IDAHO CODE, TO CLARIFY

RULEMAKING AUTHORITY OF THE DIVISION OF HUMAN RESOURCES REGARDING RULES FOR DISCIPLINARY DISMISSAL, DEMOTION, SUSPENSION OR OTHER DISCIPLINE FOR CAUSE AND FOR SHIFT DIFFERENTIAL PAY AND TO SPECIFY ADDITIONAL RULEMAKING AUTHORITY; REPEALING SECTION 67-5309A, IDAHO CODE, RELATING TO PERSONNEL BENEFITS; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309A, IDAHO CODE, TO PROVIDE A STATE EMPLOYEE COMPENSATION PHILOSOPHY; REPEALING SECTION 67-5309B, IDAHO CODE, RELATING TO ESTABLISHING SALARIES; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309B, IDAHO CODE, TO ESTABLISH THE IDAHO COMPENSATION PLAN; REPEALING SECTION 67-5309C, IDAHO CODE, RELATING TO PAY GRADES AND MERIT INCREASES; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309C, IDAHO CODE, TO PROVIDE FOR SPECIFIED ANNUAL SURVEYS, REPORTS AND RECOMMENDATIONS; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309D, IDAHO CODE, TO PROVIDE OTHER PAY DELIVERY OPTIONS; REPEALING SECTION 67-5326, IDAHO CODE, RELATING TO OVERTIME AND HOURS OF WORK; AMENDING SECTIONS 67-5328, 67-5329, 67-5330 AND 67-5331, IDAHO CODE, TO PROVIDE STATE OVERTIME POLICY, TO CLARIFY PROVISIONS RELATING TO CASH COMPENSATION AND COMPENSATORY TIME, TO REFORMAT SECTION 67-5328, IDAHO CODE, TO REDESIGNATE SECTIONS 67-5329, 67-5330 AND 67-5331, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTIONS 67-5333 AND 67-5339, IDAHO CODE, TO REFORMAT SECTION 67-5333, IDAHO CODE, TO REDESIGNATE SECTION 67-5339, IDAHO CODE, AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTIONS 67-5334, 67-5335 AND 67-5337, IDAHO CODE, TO CLARIFY COMPUTATION OF VACATION TIME FOR CLASSIFIED OFFICERS AND EMPLOYEES ACCORDING TO THEIR DEFINITIONS UNDER THE FEDERAL FAIR LABOR STANDARDS ACT, TO MAKE TECHNICAL CORRECTIONS, TO REFORMAT SECTION 67-5334, IDAHO CODE, AND TO REDESIGNATE SECTIONS 67-5335 AND 67-5337, IDAHO CODE; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5337, IDAHO CODE, TO PROVIDE FOR MOVING EXPENSE REIMBURSEMENT; AMENDING SECTION 67-5342, IDAHO CODE, TO REDEFINE "SEVERANCE PAY"; AND DECLARING AN EMERGENCY.

S 1364

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTOR FUELS; AMENDING CHAPTER 2, TITLE 71, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 71-241A, IDAHO CODE, TO PROVIDE FOR RENEWABLE FUEL STANDARD, TO DEFINE A TERM, TO PROVIDE AN ETHANOL BLENDED FUEL STANDARD, TO PROVIDE AN EXEMPTION TO THE ETHANOL BLENDED FUEL STANDARD AND TO PROVIDE APPLICATION TO

FEDERALLY REGULATED STORAGE TANKS IN CERTAIN COUNTIES FOR A CERTAIN PERIOD.

S 1358, S 1359, S 1360, S 1361, S 1362, S 1363, and S 1364 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senator Keough was recorded present at this order of business.

S 1331 and **S 1327**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

S 1259, by Resources and Environment Committee, was read the second time at length and filed for third reading.

S 1338, S 1339, S 1341, S 1342, and S 1343, by Health and Welfare Committee, were read the second time at length and filed for third reading.

S 1333, by Education Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Little, granted by unanimous consent, **S 1299** retained its place on the Third Reading Calendar for one legislative day.

Senators Cameron and Pearce were recorded present at this order of business.

S 1276 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Stennett and Corder arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Schroeder, Stegner, Stennett, Werk. Total - 26.

NAYS--Broadsword, Burtenshaw, Geddes, Jorgenson, Pearce, Richardson, Sweet, Williams. Total - 8.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1276** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 11:15 a.m., Thursday, February 9, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary